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granted an immediate right of action in situations like the principal case. *Reese v. Fidelity & Deposit Co. of Md.*, 156 N. Y. Sup. 408; *New Amsterdam Casualty Co. v. New Palestine Bank*, 107 N. E. (Ind. App.) 554; *Hansell-Elcock Co. v. Frankfort Marine Accident & Plate Glass Ins. Co.*, 177 Ill. App. 500.

C. B.

CRIMINAL LAW—DISCLOSURE OF OFFENCE BY ILLEGAL SEARCH.—TOWN OF BLACKSBURG v. BEAM, 88 S. E. (S. C.) 441.—Where a police officer forcibly and unlawfully, without process, searched defendant's person and took the key to his trunk, which he opened, finding therein whiskey which was being transported to a non-licensed county, *held*, that defendant could not be convicted of transporting alcoholic liquors, since a citizen may not be arrested and have his person searched by force and without process to secure testimony against him. *Fraser, J., dissenting.*

By the Constitution a person is secured against unreasonable searches and seizures, Amendment IV; and giving evidence against himself, Amendment V. These amendments refer to powers exercised by the government of the United States and not to those of the individual states, 6 R. C. L., Constitutional Law, ¶ 233. The security intended to be guaranteed by the Fourth Amendment is designed to prevent violations of private security in person and property by federal officers acting under legislative or judicial sanction. *Weeks v. U. S.*, 232 U. S. 383; *Adams v. N. Y.*, 192 U. S. 585. The constitutional privilege of the Fifth Amendment applies only to testimonial compulsion, and any form of process treating defendant as a witness. *Boyd v. U. S.*, 116 U. S. 616. Though a search without legal justification is a trespass, and the officer liable,—*McClury v. Brenton*, 123 Ia. 368, *Regan v. Harkey*, 40 Tex. Civ. App. 16,—it is the general rule that evidence of a criminal offence obtained by an illegal search of person or premises is admissible, and not a violation of these constitutional guaranties. 8 R. C. L. Criminal Law, ¶ 193; Wigmore on Evidence, Vol. IV, ¶¶ 2183, 2263-4; *Shields v. State*, 104 Ala. 35; *Commonwealth v. Tucker*, 189 Mass. 457. Nor is it a violation of the Fourteenth Amendment. *Williams v. State*, 100 Ga. 511. Nevertheless, the *obiter* expressions of opinion by the majority in *Boyd v. U. S.*, *supra*, and refused generally by judicial opinion,—*Hale v. Henkel*, 201 U. S. 43; *State v. Fuller*, 34 Mont. 12,—have led a few courts to adopt its erroneous view and to exclude documents and chattels obtained by illegal seizure. *Hammock v. State*, 1 Ga. App. 126; *State v. Slamon*, 73 Vt. 212; *State v. Sheridan*, 121 Ia. 164. The holding of the principal case is contrary to the weight of authority.

E. J. M.

CRIMINAL LAW—INSTRUCTIONS—EVIDENCE—PREVIOUS GOOD CHARACTER.—COMMONWEALTH v. RONELLO, 96 ATL. (PA.) 826.—*Held*, where there was evidence of defendant's previous good character, it was error to instruct that if the jury were satisfied from the evidence beyond a reasonable doubt that the defendant was guilty, this conclusion could not be overcome by the character evidence.